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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/674,373      | 09/29/2003  | Yehiel Gotkis        | LAM2P445            | 5202             |

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MARTINE PENILLA & GENCARELLA, LLP  
710 LAKEWAY DRIVE  
SUITE 200  
SUNNYVALE, CA 94085

EXAMINER

RACHUBA, MAURINA T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3723

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/674,373

Applicant(s)

GOTKIS, YEHIEL

Examiner

M Rachuba

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-25, 29, 30 and 32-42 is/are rejected.
- 7) ☒ Claim(s) 4, 26-28 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 15 December 2005. These drawings are accepted.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6-11, 16-19, 35, 36, 38 and 39, as broadly claimed, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Boyd US006626743B1, as set forth in the previous Office action.
4. The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

### ***Claim Rejections - 35 USC § 103***

5. Applicant's response has overcome the previous rejection under 35 USC 103.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1, 5-25, 29, 30, 32-35, and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pant, '536 in view of Cothrell et al, '955. '536 discloses the claimed invention, including a conditioner for the polishing pad, disclosing that conditioners are known, but does not disclose the type of conditioner used. '955, in an abrasive tool device, teaches a conditioning head comprising an input capable of delivering a fluid, and an output adjacent the input capable of removing at least part of the fluid delivered by a fluid delivery device. It would have been obvious to one of ordinary skill to have provided '536 with the conditioner taught by '955, column 5, lines 5 through column 6, lines 28, to condition the polishing pad and to remove spent abrasive and debris, preventing damage to the workpiece. Note that '536 disclose a computer capable of controlling all parts of the CMP apparatus, including a conditioner. Note that Pant discloses an inductive sensor, a computer, the computer in communication with the inductive sensor, the sensor capable of detecting topography height variations, (in changes in the gap between the platen and linear pad), the computer capable of providing control over the operation of the head.

***Allowable Subject Matter***

8. Claims 4, 26-28 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not

teach multiple heads with the structure claimed, mounting the head on a robotic arm, or the head fluid being an abrasive free chemically inert liquid or deionized water, or a combination thereof.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection (Claims 1, 5-25, 29, 30, 32-35, and 37-42, under 35 U.S.C. 103(a) as being unpatentable over Pant, '536 in view of Cothrell et al, '955). Applicant's amendment has overcome the rejection under 35 USC 102 over Cothrell et al, '955.

10. Applicant has not overcome the rejection of the claims under 35 USC 102(e) over Boyd '743. Please refer to MPEP 2136.05 and 706.02 for the methods to overcome the rejection. Applicant must either persuasively argue the patentability of the claimed invention over '743; amend the claims to be patentably distinguished over '743; file an affidavit or declaration under 37 CFR 132 showing that the reference invention is not by "another.". While a statement that the prior art was owned by the same assignee as the pending invention can be used to overcome a rejection under 35 USC 103, it does not suffice to overcome the rejection under 35 USC 102(e). Further, regarding claims 1-3, 6-11, 16-19, 35, 36, 38 and 39, applicant has claimed that the head is **capable** of being positioned between a fluid delivery device and a wafer carrier. There is nothing in the structure of '743 that would prevent the head of '743 to be positioned as claimed. It is certainly **capable** of being positioned anywhere on the polishing surface.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

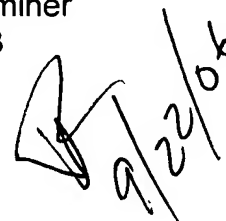
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Rachuba whose telephone number is 571-272-4493. The examiner can normally be reached on Monday-Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M Rachuba  
Primary Examiner  
Art Unit 3723

A handwritten signature, possibly reading 'M. Rachuba', is written over the printed name. To the right of the signature, the date '9/22/06' is written vertically.